

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

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MARYLAND SHALL ISSUE, INC., :
et al., :
: Case No:
Plaintiffs : 16-cv-3311-MJG
: -vs- : Pages 1 - 337
: LAWRENCE HOGAN, in his :
capacity of Governor of :
Maryland, et al., :
: Defendants :
-----X

Deposition of Daniel Webster, Ph.D.
Washington, D.C.
Wednesday, June 13, 2018

Reported by: Kathleen M. Vaglica, RPR, RMR
Job No: 409352

MAGNA LEGAL SERVICES
(866) 624-6221

EXHIBIT
5

1 understanding about what the Maryland State Police
2 were able to do by way of identifying individuals
3 who owned handguns who were subsequently convicted
4 of a disqualifying offense?

5 A. Could you just restate the question again
6 to some extent?

7 Q. Sure. Prior to the HQLs fingerprinting
8 requirement, was the Maryland State Police able to
9 identify handgun owners upon their conviction of a
10 disqualifying offense?

11 A. They would -- they could determine whether
12 a gun that they possessed had been registered, had
13 been through their system.

14 Q. I'm asking a slightly different question.
15 I'm, obviously, putting it ineloquently, so let me
16 try it again. When I purchase a handgun in
17 Maryland, it's registered with the Maryland State
18 Police; am I correct?

19 A. That's correct.

20 Q. And the Maryland State Police has a
21 registry of handgun ownership such that, if I were
22 to be convicted of a disqualifying offense, they

1 could readily look me up, determine if I owned a
2 handgun, and dispossess me of that handgun; correct?

3 A. That's correct.

4 Q. And they've always been able to do that,
5 and the fingerprinting requirement of the HQL did
6 not add anything to that capability; am I correct?

7 MR. SCOTT: Objection. Go ahead.

8 THE WITNESS: I think what it does, it's a
9 more clear-cut way to confirm identity. So, if
10 someone took my wallet, used my ID to purchase a gun
11 that I didn't actually buy, you know, there's a
12 question, I guess, of, you know, who possessed that
13 gun, who purchased that gun. When you have
14 fingerprint verification, there's no question.

15 BY MR. SWEENEY:

16 Q. There's nothing about the HQL that
17 requires verification of fingerprints at the point
18 of purchase of a handgun, is there?

19 A. Verifies identity at that particular
20 point?

21 Q. Fingerprints.

22 A. Well, they can check them against other

1 information.

2 Q. Let me understand. When I go to purchase
3 a handgun in Maryland today and I fill out my 77R
4 application, do I give my fingerprints at the point
5 of purchase in order for my fingerprints to be
6 verified at that time?

7 A. Not at that time. You're supposed to do
8 that beforehand.

9 Q. Okay. And beforehand in connection with
10 acquiring my HQL?

11 A. Sorry. Say that again.

12 Q. Sure. When you say beforehand, that I
13 provided my fingerprints beforehand, I provided them
14 in connection with applying for my HQL originally;
15 correct?

16 A. That's correct, yes.

17 Q. All right. But that has nothing to do
18 with the ability of the Maryland State Police, if
19 I'm convicted of a disqualifying offense, to
20 identify that I am an owner of a handgun and
21 dispossess me of the handgun. They had that ability
22 long before the fingerprinting requirement of the

1 HQL; correct?

2 MR. SCOTT: Objection. Go ahead.

3 THE WITNESS: Well, again, I'll just
4 restate what I said before, which is, if everything
5 was done above board with proper identification,
6 they could be able to do that, but if someone used a
7 fake ID, I don't think they would be able to do
8 that.

9 BY MR. SWEENEY:

10 Q. How many firearms have been purchased in
11 Maryland with fake IDs?

12 A. I don't know.

13 Q. Has there ever been a study done on that?

14 A. On Maryland specifically, no. There was a
15 study probably about 20 years ago by the General
16 Accounting Office for U.S. Congress where they went
17 into gun shops in, I believe, about five or six
18 states and attempted to purchase firearms with fake
19 IDs, and what they found in those cases -- I don't
20 remember exactly the number of tries they did, but
21 there wasn't a single case in which they were, their
22 IDs were questioned or their applications did not --

1 in each case they were able to walk away with
2 firearms.

3 Q. And none of those dealers were licensed
4 firearms dealers in the state of Maryland; is that
5 correct?

6 A. That's correct.

7 Q. And none of those states studied by the
8 GAO had a waiting period like the seven-day waiting
9 period that's long been in effect in Maryland;
10 correct?

11 A. Again, I don't remember each of the
12 states. I'm not going to confirm or deny that. I'm
13 not sure.

14 Q. All right. How much time have you spent
15 preparing for this case so far.

16 A. It's, my last calculation, I think it's
17 about 54 hours, something like that.

18 Q. And can you tell me what you have spent
19 those 54 hours doing?

20 A. Sure. Reviewing relevant documents,
21 relevant studies, looking at ATF data that they put
22 on their website for gun traces, crime gun traces,

1 Q. What do you mean by apply directly to law
2 enforcement? What does that mean?

3 A. What that means -- and, again, it varies
4 from state to state. Sometimes that means a
5 face-to-face application at a local or state law
6 enforcement or public safety agency. Sometimes that
7 means applying not face to face, but through mail or
8 there may be one case that allows an online process.

9 Q. And what is the importance of the element
10 of applying directly to law enforcement?

11 A. Right. So, in my opinion, I think the
12 relevance is that it is a more meaningful, I guess,
13 application, perhaps, frankly, intimidating of sort
14 of underscoring what's at stake here. The important
15 thing is the overall context of firearm
16 marketplaces, and we know from research that there
17 are a relatively small percentage of licensed gun
18 dealers who through a variety of kinds of evidence
19 suggest that they are not particularly rigorous in
20 vetting and sort of making sure that sales
21 applications are done in an accurate and lawful
22 manner.

1 And in the context of straw purchase where
2 someone, usually, not always, but usually a
3 prohibited individual is asking someone, in essence,
4 to stick their neck out to purchase a gun for them,
5 that going into a less than reputable gun shop or
6 alternatively going to different private sales
7 venues, might be gun shows or other similar kind of
8 situations through online, that that appears to be
9 and probably, frankly, is a relatively risk-free
10 thing to do.

11 And I think that going directly to law
12 enforcement when a prohibited person is asking
13 someone to buy a gun for them, it likely causes
14 hesitancy to do so.

15 Q. All right. So I get the intimidating
16 factor being face to face with a law enforcement
17 officer at police headquarters, but what is the
18 intimidating effect of applying through the mail, as
19 you said, some of these PTPs allow?

20 A. Yeah. Honestly, I don't know. I haven't
21 studied that.

22 Q. And you also said that there's online

1 applications for some of these, at least one of
2 these PTPs. What's the intimidating effect to
3 applying to a law enforcement agency online?

4 A. Yeah, again, I don't know. I haven't
5 studied that specifically.

6 Q. So in Maryland, for instance, is that the
7 example you were thinking that you can apply online
8 for your PTP?

9 A. In Maryland you have to go to a certified
10 vendor, you know, that processes fingerprinting,
11 does the fingerprinting, so it's not -- you can't be
12 fingerprinted online.

13 Q. But you apply online?

14 A. Yeah.

15 Q. But you apply directly to the Maryland
16 State Police online?

17 A. Yes.

18 Q. That would qualify under your definition
19 of applying directly to a law enforcement agency for
20 the permit; correct?

21 A. Yes, but, again, I think it's distinct
22 from other states that allow that without a

1 fingerprinting process.

2 Q. All right. We'll get to that. Now, are
3 the firearms marketplaces more important than
4 polling places in America?

5 A. I'm not sure I understand the question.
6 Important in what way?

7 Q. Well, you said that firearms markets are
8 important and, therefore, people should be
9 intimidated to make sure they are aware of the
10 seriousness of going into the firearms market.

11 MR. SCOTT: Objection.

12 BY MR. SWEENEY:

13 Q. So I'm asking you if they are more
14 important than polling places in that regard.

15 MR. SCOTT: Objection.

16 THE WITNESS: I don't know.

17 BY MR. SWEENEY:

18 Q. Should we intimidate people before they go
19 into polling places to exercise their right to vote
20 in order to impress upon them the seriousness of
21 what they are about to do?

22 MR. SCOTT: Objection.

1 fee for the HQL needs to be paid before you get your
2 training or only after you've obtained your
3 training?

4 A. I don't recall.

5 Q. Is there anything else that's required in
6 order to get an HQL?

7 A. Well, most importantly, of course, that
8 you don't have any disqualifying conditions.

9 Q. So could we call that a background check?

10 A. Yes.

11 Q. And is there any difference between the
12 background check that's done for the HQL and the
13 background check that was previously done for the
14 purchase of a handgun in Maryland?

15 A. Not in a sense of the same agency doing
16 the background check, again, looking for the same
17 disqualifying conditions.

18 Q. And after one obtains an HQL in Maryland
19 today and goes to purchase a handgun, is there any
20 subsequent background check done at that time?

21 A. Yes.

22 Q. And how does that background check differ

1 from the background check done to obtain your HQL?

2 A. Again, I don't think they are materially
3 different.

4 Q. Do you know how long it takes from start
5 to finish to get your HQL?

6 A. Start to finish? So, well, there's always
7 a waiting period. So with respect to, like, a
8 backlog of how long it takes them to process it?
9 I'm not sure what you mean.

10 Q. Well, if you were -- have you applied for
11 an HQL?

12 A. I have not.

13 Q. Okay. So, if I were to apply for an HQL,
14 which I have done, how long does it take me? How
15 many days from the time I start the process of
16 obtaining an HQL until I receive my HQL? Do you
17 have any idea how long that is?

18 A. I don't. It would depend upon how quickly
19 you got your safety training requirements and
20 whether there -- sometimes there might be delays
21 with background checks.

22 Q. So it might take several days for me to

1 probation in Baltimore City.

2 Q. If my handgun is stolen because some
3 criminal can't get it in a straw purchase now and
4 decides he wants to take my handgun, do I have any
5 obligations under law with respect to that stolen
6 handgun?

7 A. You do.

8 Q. What are they?

9 A. You're required -- again, this was part of
10 the Firearms Safety Act of 2013. You're required to
11 report that theft to law enforcement within 72 hours
12 of learning that your gun has been stolen.

13 Q. If I no longer have the handgun that I own
14 in my possession, the only way I could have
15 dispossessed myself of it is to have transferred it,
16 lost it, or lost it to theft; correct?

17 A. Pretty much, yeah.

18 Q. And if I transfer it in Maryland, I have
19 to register that, and I have to do a 77R, even if
20 it's a private transfer; correct?

21 A. That's correct.

22 Q. And that's long been the law; correct?

1 Q. "Straw purchasers simply have to go into a
2 gun shop, present a government issued ID, complete a
3 form that the gun owner or employee transmits to the
4 FBI and/or state law enforcement agency to complete
5 the transaction."

6 In Maryland it's always been the
7 requirement that the Maryland State Police do a
8 background check, which is over and above the F.B.I.
9 NICS check, and includes more checking on more
10 things than the F.B.I. NICS check includes; correct?

11 A. I don't know if it's always been the case,
12 but it's been the case for a long time, yes.

13 Q. Long before the HQL came into effect;
14 correct?

15 A. Yes.

16 Q. And when you say in the next sentence most
17 states do not require background checks or record
18 keeping for firearm transfers between non-licensed
19 sellers and purchasers, that's not the case in
20 Maryland; right? We already talked about that?

21 A. Correct.

22 Q. So that factor doesn't apply here?

1 constitution, in fact, does confer on Americans the
2 individual right to own guns?

3 MR. SCOTT: Objection.

4 THE WITNESS: Yes. Okay.

5 BY MR. SWEENEY:

6 Q. Did Joseph Curran serve as attorney
7 general under Governor O'Malley?

8 A. I don't really remember whether they
9 intersected or not.

10 Q. And did Martin O'Malley attend your
11 summit?

12 A. He did.

13 Q. And did he support the Firearm Safety Act
14 of 2013?

15 A. Yes. He signed it.

16 Q. In fact, he was one of the foremost
17 proponents of it; am I correct?

18 A. Yes.

19 Q. Who was the primary author of what became
20 the Firearm Safety Act of 2013?

21 A. I, honestly, don't know.

22 Q. Did Brian Frosh, the attorney general of

1 Maryland, have any role in the time he was in the
2 Senate?

3 A. I suspect he had an important role given
4 his role in the Senate of chairing the Judicial
5 Proceedings Committee and being someone who has had
6 firearm policy as a particular area of his interest.

7 Q. And have you met Mr. Frosh?

8 A. Oh, yes.

9 Q. And you've had conversations with him?

10 A. Sure.

11 Q. And you've had conversations with him
12 about firearms law and policy?

13 A. Yes.

14 Q. Did you have conversations with him about
15 the proposed Firearm Safety Act of 2013?

16 A. I mostly talked to him about handgun
17 purchaser licensing. I think I may have also talked
18 to him -- actually, there were three components, the
19 purchaser licensing, the granting the State Police
20 greater authority to take action against gun dealers
21 who are violating state firearm law, and the
22 requirement for mandatory reporting of theft.

1 Q. All right. Did you testify on the bill
2 that became the Firearm Safety Act of 2013?

3 A. I did.

4 Q. How did that come about? Who invited you?

5 A. I believe Senator Frosh.

6 Q. And do you remember what he asked you to
7 do?

8 A. He asked me if I would come and testify in
9 support of the law.

10 Q. And you were happy to do that?

11 A. I was willing to do that, yes.

12 Q. He didn't subpoena you to do that and
13 compel you to be there to testify, did he?

14 A. No.

15 MR. SWEENEY: Let's mark this as 146.

16 (Exhibit No. 146, Pages out of Bill File
17 for SB281, was marked for identification and
18 retained by Mr. Scott.)

19 BY MR. SWEENEY:

20 Q. And I've marked 156 pages 105 to 110 out
21 of the bill file on SB281, which appears to be
22 written testimony in support of SB281 by you; am I

1 correct?

2 MR. SCOTT: I think it's 146, Counsel.

3 THE WITNESS: It's 146.

4 MR. SWEENEY: I'm sorry.

5 MR. SCOTT: You said 156.

6 MR. SWEENEY: Oh, I did. It is 146.

7 That's correct. I'm sorry.

8 THE WITNESS: Yes.

9 BY MR. SWEENEY:

10 Q. If I was good with numbers, I could have
11 been an epidemiologist. Is this a statement that
12 you, yourself, prepared and submitted to the
13 Maryland Senate Judicial Proceedings Committee?

14 A. Yes.

15 Q. And that was chaired by Brian Frosh at the
16 time?

17 A. Yes.

18 Q. In paragraph two you identify three
19 different aspects of the proposed Firearms Safety
20 Act of 2013, a licensing system for purchasers of
21 regulated firearms, a provision to reduce ammunition
22 capacity limits, and the reporting of events which

1 triggered disqualification; am I correct?

2 A. Yes.

3 Q. And the first one relates to the HQL
4 requirement; correct?

5 A. Yes.

6 Q. And the other two are different
7 requirements that would have been a part of the
8 Firearms Safety Act of 2013; correct?

9 A. Yes.

10 Q. In total there were a couple of dozen of
11 those requirements; correct?

12 A. I don't remember the exact number of
13 requirements.

14 Q. We'll get to that. You say in the next
15 paragraph, "Arguably, the most important objective
16 of the state's gun laws is to prevent dangerous
17 individuals from possessing firearms." Do you see
18 that?

19 A. Yes.

20 Q. By dangerous individuals are you referring
21 only to individuals who are disqualified by reason
22 of mental illness or defect or have been convicted

1 of a disqualifying criminal offense?

2 A. Yes, and, of course, that extends to
3 individuals under certain domestic violence
4 restraining orders as well.

5 Q. I accept that. But no other individuals;
6 am I correct?

7 A. Right.

8 Q. Now, you say here that the system, the
9 Maryland system is especially vulnerable to illegal
10 straw purchases and individuals using false
11 identification in their applications to purchase
12 regulated firearms; am I correct?

13 A. Mm-hmm. Yes.

14 Q. And you have no data on the special
15 vulnerability of Maryland to illegal straw
16 purchasers or the use of false identification by
17 individuals purchasing firearms; correct?

18 A. No.

19 Q. And here's that General Accounting Office
20 study that you referred to in which they went and
21 used false identification at gun stores in Virginia,
22 West Virginia, Montana, New Mexico, and Arizona;

1 correct? We talked about that a little earlier.

2 A. Yes.

3 Q. Now, down in the next line it says, "All
4 five states conform to minimum requirements of the
5 Brady Act relying on instant background checks, but
6 do not require fingerprinting or waiting periods for
7 firearm purchases." Did I read that correctly?

8 A. Mm-hmm. Yes.

9 Q. Does that refresh your recollection that
10 the GAO study you relied on involved states that did
11 not have waiting periods for firearms purchases like
12 Maryland does?

13 A. Yes.

14 Q. The GAO did not make any study and, to
15 your knowledge, there is no study of the degree of
16 scrutiny, casual or otherwise, that Maryland
17 firearms dealers like my client give to firearms
18 purchasers; correct?

19 A. Correct.

20 Q. That same paragraph three sentences down
21 it says, "Systems requiring firearm purchase
22 applications be processed directly by law

1 enforcement agencies," skipping, "would result in
2 fewer false applications for firearm purchases being
3 processed and fewer guns in the wrong hands." Did I
4 read that correctly?

5 A. Mm-hmm. Yes.

6 Q. All right. And the HQL is an example of
7 something which is processed directly by law
8 enforcement agencies in your statement here?

9 A. Well, it's processed now through the
10 certified, the fingerprint component is processed by
11 the certified vendors to do that.

12 Q. And you said here you assumed, however,
13 that the HQL would be implemented by direct
14 application to law enforcement agencies; correct?

15 A. Yes.

16 Q. And that didn't happen; right?

17 A. That's correct.

18 Q. The next paragraph you say,
19 "Permit-to-Purchase licensing and registration
20 firearms laws could mitigate the potential negative
21 consequences of negligent sales practices by gun
22 dealers." Do you see that?

1 A. Yes, at the bottom of page one there.

2 Q. And you don't have any data on negligent
3 sales practices by Maryland gun dealers or my client
4 in particular, Atlantic Guns; correct?

5 A. Correct.

6 Q. The next paragraph carries over onto page
7 two, and down below it talks about federal firearms
8 sales laws have several weaknesses, and it cites
9 Braga and Gaglardi. Is that the Braga study that we
10 talked about earlier today?

11 A. No. Actually, this references a chapter
12 in the book Reducing Gun Violence in America that we
13 just discussed that came out in 2013.

14 Q. All right. And the point made here is
15 that there is no specific statute making straw
16 purchases illegal under federal law; correct?

17 A. Correct.

18 Q. And that's not the case in Maryland where
19 we have a law that makes straw purchases illegal;
20 correct?

21 A. That's correct.

22 Q. And the next paragraph you point out that

1 Connecticut, Iowa, Massachusetts, New Jersey, New
2 York, and the District of Columbia all require
3 persons wishing to purchase handguns apply directly
4 with a law enforcement agency and be photographed
5 and fingerprinted; correct?

6 A. Yes.

7 Q. And that's what you were assuming the
8 Maryland Handgun Qualification License would
9 require; correct?

10 A. Correct.

11 Q. But it did not; correct?

12 A. Correct.

13 Q. Now, you went on on page four and page
14 five to focus on the policies involving reporting of
15 the mentally ill and banning assault weapons and
16 large capacity ammunition feeding devices as
17 provisions in the proposed Firearm Safety Act that
18 you believed would help prevent gun violence;
19 correct?

20 A. Yes.

21 Q. And there are a number of other provisions
22 in SB281 that also would prevent gun violence;

1 correct?

2 A. Yes, in my opinion.

3 Q. All right. And let's mark as Exhibit 147
4 a copy of SB281.

5 (Exhibit No. 147, SB281 File, was marked
6 for identification and retained by Mr. Scott.)

7 BY MR. SWEENEY:

8 Q. I'm not going to apologize for how it
9 looks. I have no Maryland legislative process, but
10 I will ask you have you seen previously the document
11 that we've marked as 147, which is a markup of
12 Senate Bill 281, which is the Firearms Safety Act of
13 2013 as passed.

14 A. Yes.

15 Q. And do you recognize this as the actual
16 content of that law?

17 A. Appears to be.

18 Q. And it was codified in different
19 provisions of the Maryland code, but this is the
20 only really back-to-back iteration of what was
21 contained in that act; correct?

22 MR. SCOTT: Objection.

1 we had, the states with permit-to-purchase licensing
2 had proportionally fewer of their guns used in
3 crime, actually came from guns that they sold and
4 were regulated under state law. They had fewer
5 number of guns that made their way very quickly from
6 a retail sale to criminal involvement.

7 They generally had lower levels of firearm
8 mortality and a growing body of evidence in what we
9 had begun of our first iteration of the effect of
10 Missouri's repeal of a handgun purchaser licensing
11 system. At that time, again, the evidence was
12 indicating that the purchaser licensing was
13 protective both against diversions of guns from
14 criminal use and against homicide rights, preventive
15 against homicide.

16 We now have additional research that makes
17 me feel even stronger that this is a type of policy
18 that is among our most effective at curtailing gun
19 violence.

20 Q. So what did Missouri's permit-to-purchase
21 plan have in common with Maryland's HQL requirement?

22 A. Well, first and foremost, if you were

1 going to purchase a handgun, you needed to get a
2 permit. And that was always step one. I think
3 that's the most important.

4 Q. And that was a permit that you had to
5 apply directly to a law enforcement agency in
6 Missouri to get; correct?

7 A. Yes.

8 Q. Unlike Maryland?

9 MR. SCOTT: Objection.

10 THE WITNESS: Correct.

11 BY MR. SWEENEY:

12 Q. And Missouri didn't require fingerprinting
13 like Maryland requires fingerprinting, did it?

14 A. That's right.

15 Q. And it didn't require training either;
16 correct?

17 A. That's correct.

18 Q. So, if we're looking for a common
19 denominator, there's only one common denominator
20 between the Missouri PTP law and the HQL, and that's
21 the requirement of a permit in order to purchase; am
22 I correct?

1 A. Yes.

2 Q. Do any of the components of the Firearms
3 Safety Act, other than the HQL, not have any effect
4 on firearms violence?

5 A. I have to go through all of these
6 provisions.

7 Q. Just the ones you talked about. Would
8 they not have any effect at all or do you think
9 they'd have some effect on preventing firearms?

10 A. I think some effects. Some of them would
11 be more gradual than others. So, for example, like
12 an enhanced regulatory capacity for State Police
13 with respect to licensed gun dealers, it may be that
14 is a more gradual effect as compliance increases and
15 the degree to which the State Police demonstrate
16 that there are consequences to not following the
17 laws.

18 So that is sort of a question mark of how
19 quickly that might impact laws. The data we have
20 about licensing suggests that, when you have a new
21 law, there's generally some impact that grows a
22 little bit over time, but that's my own opinion is

1 by Collins and colleagues this year they found
2 that -- and I can pull it up probably quickly here
3 or it's actually in my report. Anyway, they made
4 distinctions between fingerprinting, discretionary
5 permitting, so there's only three states that allow
6 some discretion meaning, even if you don't meet a
7 disqualifier, if something is, there's a red flag,
8 so to speak, in someone's record, they can use
9 discretion to deny. That's the most restrictive
10 form of licensing with fingerprinting and then all
11 other licensing.

12 And, basically, there was a dose response
13 kind of effect that the strongest effects were for
14 those that allow discretion. Second strongest was
15 those that required fingerprinting.

16 Q. So in your own studies of Missouri and
17 Connecticut and Maryland under PTP laws, have you
18 been able to identify any, a special value to
19 fingerprinting as opposed to the other elements of
20 the PTP law in effect in a particular jurisdiction?

21 A. Not with those three separate studies I
22 can't say that we have. Basically, what we've done,

1 this is what we did in each case is -- well, I'll
2 take it one by one. So Missouri we were interested
3 in understanding what happens when you take a law
4 away that other research suggests might be important
5 for preventing diversion of guns for criminal use.

6 Connecticut we are looking at the impact
7 of that particular policy and its effect. One
8 reason we chose those two policy change times is
9 that, until the Firearms Safety Act of 2013 in
10 Maryland, those were the two most recent changes
11 that were, could be studied.

12 So now we're, with the Maryland law we're
13 been able to first look at indicators of diversions
14 from crime gun trace data. We've been able to look
15 at survey data from people involved in underground
16 gun market, and now we've had some early data on
17 homicides from an extended analysis of a paper that
18 we published recently in the Journal of Urban Health
19 looking at the effects of state firearm policies on
20 homicide rates in large urban counties.

21 So what the published study found was an
22 average, aggregated average across all of the

1 policies 14 percent reduction in firearm homicide
2 rates in that study that covered data from 1981
3 through 2015. As I presented in the report, my
4 report, we were interested to understand what was
5 going on in Maryland and also understanding probably
6 at least a third of my time is focused on
7 understanding what's going on in Baltimore and its
8 gun violence program and different strategies to
9 address it. I've been mostly studying local
10 policing and community prevention programs.

11 But through my studies and another study
12 published by Steven Morgan at Johns Hopkins it was a
13 very well-known phenomenon that occurred in
14 Baltimore following the death of Freddie Gray, the
15 in-custody death of Freddie Gray that led to broad
16 civil unrest and riots, documented change in
17 policing practices, sort of an underpolicing, a step
18 back by the police department.

19 So, depending on the statistical model of
20 sort of what was the impact of that civil unrest in
21 the Freddie Gray case, anywhere from 50 percent to
22 100 percent increase in shootings and homicides

1 associated with that change. So we knew that that
2 was a huge historical confounder that, when you're
3 trying to tease apart the effect of the law overall
4 in Maryland, you had to understand what was going on
5 in Baltimore.

6 So we stratified our estimate of the
7 effect of this law on gun homicides in the major
8 urban counties other than Baltimore. That includes
9 Baltimore County, Anne Arundel County, Montgomery
10 County, Prince George's County, and we found a large
11 and statistically significant decrease in gun homicide
12 rates in those counties while a 25 percent increase
13 in Baltimore, again, Baltimore influenced by the
14 post-Freddie Gray riot data.

15 So to me the available data that we have
16 right now suggests that the law is working as
17 intended. It's preventing the diversions of guns
18 for criminal misuse, and it's leading to fewer
19 homicides with guns.

20 MR. SWEENEY: Could you reread my
21 question, Kathleen, if you can find it?

22 (The reporter read back as requested.)

1 BY MR. SWEENEY:

2 Q. And your answer to my question is no, you
3 have not; correct?

4 A. The answer to your question was we studied
5 each of these laws separately and reported what we
6 found. And as we discussed, there are differences
7 in these laws, one of which is the fingerprint
8 requirement with respect to difference between
9 Missouri and Maryland.

10 Q. And the only thing that Missouri,
11 Maryland, and D.C. have in common, and Connecticut
12 have in common is that they all require a permit to
13 purchase?

14 A. No. There are other things that Maryland
15 shares with, certainly with Connecticut.

16 Q. With respect to the requirements of their
17 permit-to-purchase law, the elements differ in each
18 of those three states, so the only common
19 denominator for the three states is that they all
20 require a permit to purchase?

21 MR. SCOTT: Objection.

22 THE WITNESS: Maryland and Connecticut

1 both require safety training, and they both require
2 fingerprints. So those two things, and they also
3 require a point of sale background check
4 requirement. So they are similar in those three
5 respects.

6 BY MR. SWEENEY:

7 Q. And Missouri doesn't require those?

8 A. That's correct.

9 Q. So the three only have in common that the
10 permit to purchase is required; correct?

11 MR. SCOTT: Objection.

12 THE WITNESS: Among all three, I will
13 agree that what you said is factually correct.

14 BY MR. SWEENEY:

15 Q. And that Maryland differs from Missouri
16 and Connecticut in that regard because, unlike
17 Missouri and Connecticut, it does not require a
18 direct application to law enforcement in order to
19 obtain that permit; correct?

20 MR. SCOTT: Objection.

21 THE WITNESS: I'm not sure what to do.

22 MR. SCOTT: I'm objecting to the question.

1 You can answer.

2 THE WITNESS: Okay. So your statement was
3 that Maryland differs from those other two with
4 respect to the other two have direct, in-person
5 application. Maryland does not. That is true.

6 MR. SWEENEY: Let's take a break.

7 (Whereupon, a short recess was taken from
8 3:43 to 3:51 p.m.)

9 BY MR. SWEENEY:

10 Q. Doctor, in your expert report on page two
11 you assert that the Center For Gun Policy and
12 Research that you direct was established to look
13 objectively at all available data; correct?

14 A. Yes.

15 Q. And when you review the research on the
16 effect of gun controls on violence that you do, do
17 you always follow that principle?

18 A. Yes.

19 Q. And when you draw a conclusion about the
20 impact of permit-to-purchase laws on homicide rates,
21 do you objectively review all the relevant scholarly
22 research?

1 say the firearms selected do not constitute a random
2 sample and should not be considered representative
3 of the larger universe of all firearms used by
4 criminals or any subset of that universe; is that
5 correct?

6 A. That's what it states.

7 Q. Do you have any information that the ATF
8 is saying that?

9 A. Well, I think they are correct in the
10 first part in that, in essence, there's no way for
11 us to know whether they represent an accurate sample
12 or not, but I think the statement dismisses the
13 validity and importance of those data more so than I
14 feel is the case, and I think many experts would
15 agree.

16 Q. Your report on the HQL in Baltimore
17 includes data from a survey conducted of criminals
18 in Baltimore; correct?

19 A. Very specifically we conducted a survey of
20 individuals on parole and probation, and these were
21 anonymous surveys, and we recruited outside of
22 offices where parolees, people on probation report

1 to their POs.

2 Q. So how did you determine that they
3 qualified for that narrow definition of criminal
4 that you were using?

5 A. We asked them. We asked them whether they
6 were on parole or probation.

7 Q. And how did you identify these criminals
8 to ask them that question?

9 A. I just said that. We recruited
10 individuals as they were exiting the buildings in
11 which the Maryland Department of Public Safety and
12 Correctional Services has places for people to
13 report who are on parole and probation.

14 Q. Did you do anything to verify whether or
15 not these individuals, in fact, were criminals, in
16 fact, were on probation?

17 A. No. This was an anonymous survey. We
18 wanted, we thought the best way to get honest,
19 accurate data is to not ask for identifiers that we
20 would verify.

21 Q. Did you ask these men if they actually
22 tried to get a gun before the HQL went into effect?

1 A. We asked them their experience in
2 acquiring firearms in the underground market. I
3 don't have the very specific survey items in front
4 of me, but we asked them questions that were, like,
5 ever? Have you ever done this? And then we asked
6 about the last 12 months, and then we had a set of
7 questions that asked them to, in their own, for
8 their own impressions or perceptions whether they
9 observed, perceived changes in the ability to get
10 guns or get individuals to buy guns for them
11 following the October 2013 gun laws.

12 Q. How many of the men you surveyed admitted
13 to getting a gun after the Firearms Safety Act was
14 in effect?

15 A. I'd have to go back and look at our data.
16 I don't remember offhand. We didn't ask the
17 question exactly in the way that you just phrased
18 it. We asked, as I mentioned before, we asked about
19 whether they acquired a gun within the past
20 12 months. So, based on when we were collecting the
21 data, anybody said yes to that question would, in
22 essence, would have been acquiring a gun post

1 Firearms Safety Act.

2 Q. And you didn't ask any of them if they had
3 ever acquired a gun prior to the Firearms Safety Act
4 going into effect?

5 A. We, again, asked whether they ever had and
6 then the experience within 12 months, so sometimes
7 some said yes to the first question of ever, and
8 more said no to the more frequent, more recent time
9 period than ever.

10 Q. Did you do anything to parse that ever
11 period in a pre-FSA and a post-FSA section?

12 A. No.

13 Q. It's possible that none of the men you
14 interviewed actually acquired a firearm prior to the
15 FSA taking effect?

16 A. Is it possible? Let me -- is it possible?
17 Yeah, it's possible. I think it's incredibly highly
18 improbable, again, based upon the differences in
19 response of ever acquired and acquired within the
20 past year.

21 MR. SWEENEY: Let's take a quick break.

22 (Whereupon, a short recess was taken from